IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.231 OF 2007

Jagannath Vithoba Khartude & Ors. ...Appellants

Versus

Bapu Manu Gavade & Ors. ...Respondents

.....

Mr.Milind Deshmukh for Appellants.

None for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

JULY 11, 2007.

P.C.

1. Heard Counsel for the Appellants.

2. The only argument advanced before this Court is that Housabai had died in the year 1963, Gabaji died in the year 1966 and Yamunabai died in the year 1972. On their death, the succession opened at relevant time, however, the Plaintiff did not avail of Suit for Partition, for which reason, Suit is barred by Law of Limitation. The argument is ill-advised. It is well established that the

property continues to be joint family property even upon the death of one of the co-parcener.

3. No substantial question of law arises for consideration. Hence, dismissed.

A.M.KHANWILKAR, J.